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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,717	09/26/2003	Mark Willer	066042-9415-01	1118
23409	7590	08/08/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER

3724

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,717	WILLER ET AL.	
	Examiner	Art Unit	
	Ghassem Alie	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/25/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 6-8, 10, 11, 15-20, 44 and 46-61 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 6-8, 10, 11, 15-20, 44 and 46-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/03/06 & 02/15/06</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election of Group I (claims 4 and 44) and Species II (Figs. 14-44) on 05/25/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claim 13 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

In dependent claims 5, 9, 12, and 45, have been cancelled. Claims 6-8, 10-11, and 15-20, and new claims 46-61 would be examined. Since they are depend from elected independent claims 4 and 44.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4 and 46-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (4,382,334). Regarding claim 4, Reynolds teaches a housing 12, 14 and a motor supported by the housing and operable to drive a saw blade 22. Reynolds also teaches a cover 46 selectively connectable to the housing 12, 14 and the cover 46 at least partially covering the saw blade when the cover is connected to the housing. It should be noted that cover 46 partially covers part of the saw 22 that located inside the housing 12, 14. Se Fig. 4. Reynolds

also teaches a quick-locking member 49 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Reynolds also teaches that the quick-locking member 49 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. Reynolds also teaches that the quick locking member 49 is pivotable between the first position and the second position. See Figs. 1-4 and col. 3, lines 35-68 and col. 4, lines 1-49 in Reynolds.

Regarding claim 46, Reynolds teaches everything noted above including a spring 61 engageable with the quick-locking member 49 to releasably retain the quick-locking member in the first position.

Regarding claim 47, Reynolds teaches everything noted above including that including that the quick-locking member 49 includes an over-center biasing latch 43. It should be noted that handle is considered to be an over-center piece of the locking mechanism.

It should be noted that this rejection, which is necessitated by addition of new claims, also could be applied to other claims in the application including the independent claim 44.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 6-8, 10, 11, 15, 16, 18, 19, 44, 50-57, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindell on view of Magnuson (3,043,616), or Levin (3,811,747). Regarding claims 4, 44, and 50, Lindell teaches a housing and a motor supported by the housing and operable to drive a saw blade 36. The housing is defined by the housing of the motor, shaft housing 12, housing 21, and receptacle 54. The housing houses the blade and the motor and the drive shaft. Lindell also teaches a cover 55 selectively connectable to the housing and the cover at least partially covering the saw blade when the cover is connected to the housing. Lindell also teaches a quick-locking member 58 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Lindell also teaches the quick-locking member 58 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. See Figs. 1-14 and col. 2, lines 20-55 and col. 4, lines 14-40 in Lindell. Lindell does not teach that the quick locking member is pivotable between the first position and the second position. However, the use of a quick-locking member pivotable between a first position and a second position for locking and unlocking a cover of a box or a housing is well known in the art such as taught by Levin or Magnuson. Levin teaches a quick-locking member 21 pivotable between a first position and a second position for locking and unlocking a cover 2 of a housing. See Fig. 1-8A and col. 5, lines 30-57 in Levin. Magnuson also teaches a quick-locking member 14, 15 pivotable between a first position and a second

position for locking and unlocking a cover 12 of a housing 11. See Fig. 1-3 and col. 2, lines 11-65 in Magnuson. It would have been obvious to a person of ordinary skill in the art to replace Lindell's quick-locking member with the latch as taught by Levin or Magnuson as an alternative way to lock the cover to the housing and unlock the cover from the housing.

Regarding claims 6, 8, 51, and 53, Lindell, as modified by Levin, teaches everything noted above including that the cover 2 defines a recess 17b and the quick-locking member includes a locking portion engageable with the recess to lock the cover to the housing. Lindell also teaches that the quick-locking member 21 is a latch. See Fig. 3B-4 in Magnuson.

Regarding claims 7 and 52, Lindell teaches everything noted above including that the cover 55 at least partially covers an open portion of the saw blade 36. See Fig. 9 in Lindell.

Regarding claims 10 and 54, Lindell teaches everything noted including that the housing defines a handle portion 53 gripable by a user and the quick-locking member 58 is connected to the housing near the handle portion. It should be noted that the shaft housing 12 also is considered to be a handle, which is gripable, by a user. The handle 53 and shaft housing 12 are both located near the quick-locking member 58. See Fig. 1-3 in Lindell.

Regarding claims 11 and 55, Lindell, as modified by Levin, teaches everything noted above including a second locking assembly 21 cooperating with the quick-locking member to selectively lock the cover to the housing. See Fig. 9 in Lindell and Fig. 1-3B in Levin.

Regarding claims 12 and 56, Lindell, as modified by Levin, teaches everything noted above including that the housing 1 includes a hook member 69 and the cover 2

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engaging the hook member at a first end of the cover and the quick-locking member engaging the cover at a second end of the cover to connect the cover to the housing. See Figs. 11A-11C in Levin.

Regarding claims 15, 16, 56, and 57, Lindell, as modified Levin, teaches everything noted above including that the quick-locking member includes a first member 20 connected to the housing, a second member 20a connected to the first member and pivotable relative to the first member, and a third member 69 connected to the second member and pivotable relative to the second member. Lindell, as modified by Levin, also teaches that the third member being engageable with the cover to selectively lock the cover to the housing. Lindell, as modified by Levin, also teaches that the third member 69 is engageable by a user to move the third member into and out of engagement with the cover to lock and unlock respectively the cover from the housing. See Figs. 1-11c in Levin.

Regarding claims 18, 19, and 59-60, Lindell teaches everything noted above including that the cover defines 55 a receptacle therein operable to hold fragments of a work piece upon which the saw blades is performing. Lindell also teaches the saw 36 is a circular saw. See Fig. 8-13 in Lindell.

7. Claims 4, 17, 20, 44, 58, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Lindell. Regarding claims 4, 17, 44, and 58, Morimoto teaches a saw 1 including a first cover 8b connected to the housing and at least partially covering the saw blade 4. Morimoto also teaches a second cover 8a selectively connectable to the housing. The dust collecting hood 8a can be connected to the housing and disconnected from the housing. See col. 3, lines 15-18 in Morimoto. Therefore, the second

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cover 8a is selectively connectable to the housing. Morimoto also teaches that the second cover at least partially covering the first cover 8b and at least partially covering the saw blade when the second cover is connected to the housing. Morimoto also teaches that the second cover 8b defines a cavity 9 for receiving fragments from a work piece upon which the saw blade operates. See Figs. 5-7 and col. 2, lines 26-68 and col. 3, lines 1-18 in Morimoto. Morimoto does not teach a quick-locking member connected to one of the housing and the second cover and engageable with the other of the housing and the second cover to selectively lock the second cover to the housing without the use of tools. However, Lindell teaches a housing and a motor supported by the housing and operable to drive a saw blade 36. Lindell also teaches a second cover 55 selectively connectable to the housing. Lindell also teaches a quick-locking member 58 connected to the housing and engageable with the other of the housing and the second cover to selectively lock the second cover to the housing without the use of tools. See Figs. 1-14 and col. 4, lines 3-36 in Lindell. It would have been obvious to a person of ordinary skill in the art to provide Morimoto's saw with the latch as taught by Lindell in order to secure or lock the second cover to the housing and unlock the second cover from the housing when the dust collector chamber is full.

Regarding claims 20 and 61, Morimoto teaches everything noted above including a support plate 5 connected to the housing and engageable with the surface of a workpiece to support the saw upon the workpiece. See Figs. 1-7 in Morimoto.

8. Claim 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Crane et al. (4,600,396), hereinafter Crane. Regarding claim 48, Reynolds teaches everything noted above including that the housing has a hook member 57 and the cover 46

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engages the hook member at a first end of the cover. Reynolds does not explicitly teach that the quick-locking member engaged the cover at a second end of the cover. However, the use of a locking mechanism that engaged the cover in two different parts of the cover is well known in the art such as taught by Crane teaches a housing has 11 having a hook member 26 and a cover engages the hook member 26 at a first end of the cover. Crane also teaches that a quick-locking member 18 engaged the cover at a second end of the cover. It should be noted that the cover latch 29 contacts cover 12 at second end of the cover. See Figs. 1-3 in Crane. It would have been obvious to a person of ordinary skill in the art to replace Reynolds' locking member with the locking member, as taught by Crane, in order to provide a strong latching mechanism to hold the cover to the hosing.

Regarding claim 49, Reynolds, as modified above, does not teach that the cover includes a pin engageable with the hook member. However, Official Notice is taken that the use of the locking mechanism having a hook member which engages with a pin is well known in the art.

Response to Arguments

9. Applicant's arguments filed on 02/03/06 have been considered but they are not persuasive. Applicant's argument that Linell does not teach that the motor is located within the housing is not persuasive. Firstly, it has not been claimed that the motor is located within the housing. Independent claims 4 and 44 broadly claiming the invention and they do not call for the motor to be located within the support. Secondly, Claims 4 and 44 merely call for a motor that is supported by the housing. Clearly, the motor is supported by the housing 21 through the housing of shaft. As stated above, the housing of the shaft, housing of the

motor and the housing of the saw 21 in combination are considered to be a housing that support the motor. It should also be noted that claims do not limit the housing to a specific housing that is in the invention or shown in the drawing in the instant application. In fact, claims 4 and 44 are broadly claiming the invention, and many of the cited references read over the claims 4 and 44. See Hartmann (2002/0020068), Benedict et al. (5,918,522), Damijonaities (3,556,623), and Strim (5,349,752).

Applicant's argument that Magnuson is not in the Applicant's field of endeavor and it cannot be combined with Lindell is not persuasive. As stated above, the use of a quick-locking member pivotable between a first position and a second position for locking and unlocking a cover of a box or a housing is well known in the art such as taught by Levin or Magnuson. Levin teaches a quick-locking member 21 pivotable between a first position and a second position for locking and unlocking a cover 2 of a housing. See Fig. 1-8A and col. 5, lines 30-57 in Levin. Magnuson also teaches a quick-locking member 14, 15 pivotable between a first position and a second position for locking and unlocking a cover 12 of a housing 11. See Fig. 1-3 and col. 2, lines 11-65 in Magnuson. It would have been obvious to a person of ordinary skill in the art to replace Lindell's quick-locking member with the latch as taught by Levin or Magnuson as an alternative way to lock the cover to the housing and unlock the cover from the housing. It should be noted that Lindell teaches a quick-locking member for the locking the cover of the saw to the housing of the saw. This is in the field of the Applicant's endeavor. In addition, the quick-locking as taught by Magnuson or Levin is pertinent to the quick-locking mechanism in Lindell and consequently the quick locking mechanism in the instant invention. It is within an ordinary skill in the art to replace a quick

locking mechanism with another quick locking mechanism, since both locking mechanism solve the same problem.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hartmann (2002/0020068), Benedict et al. (5,918,522), Damijonaities (3,556,623), and Strim (5,349,752), Harmann (2002/0026717), Scott et al. (4,316,327), Campbell et al. (5,822,864), Hilthon et al. (1,546,982), Gnazzo et al. (6,318,352), Rebhan (4,939,842), and Buser et al. (6,557,261) teach a saw including a housing, a saw blade, and a cover.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-83006.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER

GA/ga

August 4, 2006